A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at Lancaster, New York, on the 15th day of December, 1975 at 8:00 p.m. and there were

PRESENT:

LEO N. WEIMER, SUPERVISOR

JOSEPH R. BARNHARDT, COUNCILMAN

EDWARD A. BERENT, COUNCILMAN

PETER J. BOLENDER, COUNCILMAN

ARTEL J. METZ, COUNCILMAN

ABSENT:

NONE

ALSO PRESENT:

ROBERT P. THILL, TOWN CLERK

DOMINIC J. TERRANOVA, TOWN ATTORNEY

EDWARD J. FERON, JR., TOWN ENGINEER

JOHN F. LUME, HIGHWAY SUPERINTENDENT

VICTOR H. OTT, POLICE CHIEF

WILLIAM F. DOUGHERTY, JR., BUILDING INSPECTOR

JOHN M. COSTELLO, ASSESSOR III

OFFICIAL REPORTS:

The Town Clerk reported that the following departments of the Town of Lancaster have filed with him their Monthly Reports as follows:

DEPARTMENT	MONTH OR MONTHS OF
Town Clerk	November, 1975
Building Inspector	November, 1975
Zoning Inspector	September, 1975 October, 1975 November, 1975
Dog Warden	November, 1975
Ambulance	November, 1975

COMMITTEE REPORTS:

Councilman Barnhardt, for the Street Lighting Committee, presented a proposal for improvement of street lighting on Columbia Avenue at the Depew Library, Pavement Road in front of the Lancaster Town Center, and Town Line Road within Consolidated Lighting District No. 1 of the Town of Lancaster, and on behalf of the Committee recommended that the Town Board authorize the improvements as contained in said proposal.

RESOLVED, that the minutes of the Regular Meeting of the Town Board held on December 1, 1975, as presented by the Town Clerk, be and hereby are approved.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT VOTED YES

COUNCILMAN BERENT VOTED YES

COUNCILMAN BOLENDER VOTED YES

COUNCILMAN METZ VOTED YES

SUPERVISOR WEIMER VOTED YES

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The resolution was thereupon unanimously adopted.

WHEREAS, Pine Hill Concrete Mix Corporation, 2255 Bailey Avenue,
Buffalo, New York, Lancaster Stone Products Corporation, 5833 Main Street,
Buffalo, New York, and Houdaille Construction Materials, Inc. (Buffalo
Plant) within the Town of Lancaster, have filed applications with the
Town Clerk of the Town of Lancaster to make excavations within the Town
of Lancaster during the year 1976

NOW, THEREFORE, BE IT

RESOLVED, as follows:

- Section 1 That the Town Clerk of the Town of Lancaster is hereby authorized to issue a permit to Pine Hill Concrete Mix Corporation, 2255
 Bailey Avenue, Buffalo, New York, for the purpose of making excavations within the Town of Lancaster during the year 1976 in accordance with the application of the Town Clerk, with bond amount hereby set by the Town Board in the amount of \$50,000.
- Section 2 That the Town Clerk of the Town of Lancaster is hereby authorized to issue a permit to Lancaster Stone Products Corporation, 5833 Main Street, Buffalo, New York, for the purpose of making excavations within the Town of Lancaster during the year 1976 in accordance with the application of the corporation as filed in the Office of the Town Clerk, with bond amount hereby set by the Town Board in the amount of \$50,000.
- Section 3 That the Town Clerk of the Town of Lancaster is hereby authorized to issue a permit to Houdaille Construction Materials, Inc.

 (Buffalo Plant) for the purpose of making excavations within the Town of Lancaster during the year 1976 in accordance with the application of the corporation as filed in the Office of the Town Clerk, with bond amount hereby set by the Town Board in the amount of \$50,000.

and,

BE IT FURTHER

RESOLVED, that the following surety bonds be and are hereby approved as to form and sufficiency of the surety:

The Fidelity and Deposit Company of Maryland and Pine Hill Concrete Mix Corporation in the amount of \$50,000.

The Travelers Indemnity Company and Lancaster Stone Products Corporation in the amount of \$50,000.

Liberty Mutual Insurance Company and Houdaille Construction Materials, Inc. in the amount of \$50,000.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT VOTED YES

COUNCILMAN BERENT VOTED YES

COUNCILMAN BOLENDER VOTED YES

COUNCILMAN METZ VOTED YES

SUPERVISOR WEIMER VOTED YES

รหม่ม The resolution was thereupon unanimously adopted.

WHEREAS, the Town Attorney has recommended the appointment of Richard J. Sherwood as Deputy Town Attorney,

NOW, THEREFORE, BE IT

RESOLVED, that Richard J. Sherwood, residing at 1817 Como Park Boulevard, Lancaster, New York, be and hereby is appointed Deputy Town Attorney effective January 1, 1976, at an annual salary of \$4,992.00, to serve until December 31, 1977, under the direction of the Town Attorney.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

> COUNCILMAN BARNHARDT VOTED YES YES COUNCILMAN BERENT VOTED COUNCILMAN BOLENDER YES VOTED YES COUNCILMAN METZ VOTED YES

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VOTED

The resolution was thereupon unanimously adopted.

SUPERVISOR WEIMER

WHEREAS, Lancaster Sanitary Land Fill, Inc., 2255 Bailey Avenue,
Buffalo, New York, has heretofore been issued a permit and renewals thereof
to operate a Sanitary Land Fill within the Town of Lancaster for the
period September 1, 1961 to December 31, 1975 on a parcel of land east of
Gunnville Road containing approximately 97.5 acres, and

WHEREAS, the permittee has filed an application with the Town Clerk of the Town of Lancaster for a renewal of its permit to operate a Sanitary Land Fill on this 97.5 acre parcel for the year 1976 in accordance with the same terms and conditions as the original permit, and

WHEREAS, the Town Clerk of the Town of Lancaster by letter dated December 12, 1975 has informed the Town Board that he has reviewed the renewal application, and also certified that there are no reports or additional license fees in arrears

NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk of the Town of Lancaster be and is hereby authorized to issue a renewal permit to Lancaster Sanitary Land Fill, Inc., 2255 Bailey Avenue, Buffalo, New York, for the purpose of operating a Sanitary Land Fill within the Town of Lancaster during the year 1976 on a parcel of land containing approximately 97.5 acres, all in accordance with the renewal application of the corporation as filed in the office of the Town Clerk, with bond amount hereby set by the Town Board in the amount of \$25,000 and

BE IT FURTHER

RESOLVED, that the following surety bond be and is hereby approved as to form and sufficiency of the surety:

The Travelers Indemnity Company and Lancaster Sanitary Land Fill, Inc. in the amount of \$25,000.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT VOTED, YES

COUNCILMAN BERENT VOTED YES

COUNCILMAN BOLENDER VOTED YES

COUNCILMAN METZ VOTED YES

SUPERVISOR WEIMER VOTED YES

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The resolution was thereupon unanimously adopted.

WHEREAS, the Lighting Committee of the Town Board of the Town of Lancaster has requested, and the New York State Electric & Gas Corporation has submitted, a proposal for improvement of street lighting on Columbia Avenue, Pavement Road and Townline Road within Consolidated Lighting District (at large) and Consolidated Lighting District No. 1 of the Town of Lancaster, and

WHEREAS, the Lighting Committee of the Town Board, after investigation, review and consideration, has recommended the said installations and removals as contained in said proposal,

NOW, THEREFORE, BE IT

RESOLVED, that the New York State Electric & Gas Corporation be and hereby is authorized to make the following installations and removals within Lighting District Entire (at large) and Consolidated Lighting District No. 1 of the Town of Lancaster:

Columbia Avenue - Lancaster-Depew Library Parking Lot - Lighting District Entire (at large)

Install 1 - 20000 lumen mercury lamp
@ \$75.00 ea. (Pole 22-3, Line 270) \$ 75.00

Annual Increase

\$ 75.00

Pavement Road Consolidated Lighting District

<pre>Install 1 - 130,000 lumen HPS lamp @ \$200.00 ea. (Pole 31, Line 522)</pre>	200.00
Remove 1 - 11000 lumen mercury lamp @ \$55.00 ea. (Pole 31, Line 522)	55.00
Install 2 - 20000 lumen mercury lamps @ \$75.00 ea. (Poles 29,33, Line 522)	150.00
Remove 2 - 7000 lumen mercury lamps @ \$45.00 ea. (Poles 29,33, Line 522)	90.00

Annual Increase

205.00

Townline Road Consolidated Lighting District No. 1

Install 1 - 7000 lumen mercury lamp @ \$45.00 ea. (Pole 181, Line 513)

\$ 45.00

Annual Increase

\$ 45.00

TOTAL ANNUAL INCREASE

\$ 325.00

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT VOTED YES

COUNCILMAN BERENT VOTED YES

COUNCILMAN BOLENDER VOTED YES

COUNCILMAN METZ VOTED YES

SUPERVISOR WEIMER VOTED YES

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The resolution was thereupon unanimously adopted.

WHEREAS, Lancaster Sanitary Land Fill, Inc., 2255 Bailey Avenue, Buffalo, New York, has heretofore been issued a permit and renewals thereof to operate a Sanitary Land Fill within the Town of Lancaster for the period July 1, 1974 to December 31, 1975 on a parcel of land east of Gunnville Road containing approximately 78 acres, and

WHEREAS, the permittee has filed an application with the Town Clerk of the Town of Lancaster for a renewal of its permit to operate a Sanitary Land Fill on this 78 acre parcel for the year 1976 in accordance with the same terms and conditions as the original permit, and

WHEREAS, the Town Clerk of the Town of Lancaster by letter dated December 12, 1975 has informed the Town Board that he has reviewed the renewal application, and also certified that there are no reports or additional license fees in arrears

NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk of the Town of Lancaster be and is hereby authorized to issue a renewal permit to Lancaster Sanitary Land Fill, Inc., 2255 Bailey Avenue, Buffalo, New York, for the purpose of operating a Sanitary Land Fill within the Town of Lancaster during the year 1976 on a parcel of land containing approximately 78 acres, all in accordance with the renewal application of the corporation as filed in the office of the Town Clerk, with bond amount hereby set by the Town Board in the amount of \$25,000, and

BE IT FURTHER

RESOLVED, that the following surety bond be and is hereby approved as to form and sufficiency of the surety:

The Travelers Indemnity Company and Lancaster Sanitary Land Fill, Inc. in the amount of \$25,000.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT VOTED YES

COUNCILMAN BERENT VOTED YES

COUNCILMAN BOLENDER VOTED YES

COUNCILMAN METZ VOTED YES

SUPERVISOR WEIMER VOTED YES

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The resolution was thereupon unanimously adopted.

WHEREAS, the Town of Lancaster has previously invited bids for the furnishing of fuel oil for the needs and requirements of the Town of Lancaster for the year 1976, and

WHEREAS, Kurk Fuel Oil Company has submitted the lowest responsible bid in accordance with the specifications therefor in the amount of \$.401 per gallon,

NOW, THEREFORE, BE IT

RESOLVED, that the low bid of Kurk Fuel Oil Company in the amount of \$.401 per gallon be and hereby is accepted, said oil delivered to be metered and metered delivery checks to be submitted therewith, and

BE IT FURTHER

RESOLVED, that the Town Attorney prepare the necessary contract and the Supervisor be and hereby is authorized and directed to execute said contract on behalf of the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT VOTED YES

COUNCILMAN BERENT VOTED YES

COUNCILMAN BOLENDER VOTED YES

COUNCILMAN METZ VOTED YES

SUPERVISOR WEIMER VOTED YES

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The resolution was thereupon unanimously adopted.

RESOLVED, that so much of the resolution of the Town Board of October 6, 1975, transferring the sum of \$6,000.00 from Item #1, Contractual Expenses, Account No. 5110.4, to Item #4, Personal Services, Account No. 5140.1, in the Highway Fund of the Town of Lancaster, be and hereby is rescinded, and

BE IT FURTHER

RESOLVED, that the following transfer within the Highway Fund of the Town of Lancaster be effected:

	<u>From</u>	<u>To</u>	
	Account Amount	Account	Amount
<pre>Item #4, Appropriated Fund Balance Item #4, Personal Services</pre>	599 \$ 6,000.00	5142.1 \$	6,000.00

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN	BARNHARDT	VOTED	YES
COUNCILMAN	BERENT	VOTED	YES
COUNCILMAN	BOLENDER	VOTED	YES
COUNCILMAN	METZ	VOTED	YES
SUPERVISOR	WEIMER	VOTED	YES

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The resolution was the reupon unanimously adopted.

RESOLVED, that the following Audited Claims be and are hereby ordered paid from their respective accounts:

ACCOUNT	ORDER NUMBER	TOTAL AMOUNT
General Funds	No. 2961 to 3026 Incl.	\$ 33,040.24
Special District Funds	No. 73 to 76 Incl.	\$ 7,207.52
Part Town Funds	No. 250 to 254 Incl.	\$ 1,196.60
Highway Funds	No. 677 to 701 Incl.	\$ 11,182.63
Trust & Agency Funds	No. 93 to 95 Incl.	\$ 475.00
Federal Revenue Sharing	No. 150 to 152 incl.	\$ 167.25
Capital Fund	No. 177 to 183 Incl.	\$ 8,006.60

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT VOTED YES

COUNCILMAN BERENT VOTED YES

COUNCILMAN BOLENDER VOTED YES

COUNCILMAN METZ VOTED YES

SUPERVISOR WEIMER VOTED YES

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The resolution was thereupon unanimously adopted.

RESOLVED, that the following Building Permit Applications be and are hereby approved and the issuance of Building Permits be and are hereby authorized:

NO.	NAME	ADDRESS	STRUCTURE
141	Robert Jones	6023 Genesee Street	DEM. FR. BARN
142	Walter Ferry	140 Cemetery Road	ER. FR. WHSE.
143	Lorraine Ferry	5210 William St.	DEM. FR. SING. DWLG.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT VOTED YES

COUNCILMAN BERENT VOTED YES

COUNCILMAN BOLENDER VOTED YES

COUNCILMAN METZ VOTED YES

SUPERVISOR WEIMER VOTED YES

אמאא The resolution was thereupon unanimously adopted.

1. Utilities - Feasibility Study

The Town Clerk was directed to remove this item from future agendas of the Town Board.

2. Walden Pond Park - Federal Assistance Application

On June 3, 1975 the Town Clerk notified Congressman Kemp of this Town Project and asked for his assistance in obtaining Federal Aid.

On August 21, 1975 Mr. A. Russell Tryon, the Town Planning Consultant on this project, requested a status report from the Grant's Manager of the Niagara Frontier Parks Commission.

On October 20 the Town Clerk wrote to Congressman Kemp and requested his support and a status report on this project.

On November 18 and December 5 the Town Clerk contacted Congressman Kemp's Office and spoke to Mr. Edward Rutkowski. Mr. Rutkowski indicated that the Congressman would write to Albany and attempt to effect release of funds for this project.

3. Town Line Speed Reduction

On August 18, 1975 the Town Board adopted a resolution requesting the County of Erie and the Town of Alden to join with them in requesting a survey, and evaluation of the existing 55 m.p.h. speed limit on Town Line Road from Broadway north to the Erie-Lackawanna Railroad.

On September 8, 1975 the New York State Dept. of Transportation acknowledged receipt of the Town Board's resolution in this matter and indicated that upon receipt of a similar request from the Town of Alden, they would initiate a traffic engineering investigation on this highway.

4. Rezone Petition - Alice Morehouse

On December 1, 1975 the Town Board held a Public Hearing on this petition and reserved decision.

Mr. Jerry F. Kline, 5032 William Street, Lancaster, New York;
Mr. Casimer Samulski, 415 Lake Avenue, Lancaster, New York; and
Mr. Norman Armstrong, 5017 William Street, Lancaster, New York, discussed
with the Town Board, the Town Engineer, and the Town Highway Superintendent
a flooding and drainage problem which exists in the William Street-Lake
Avenue area.

After lengthy discussion it was recommended that the persons adversely affected contact Mr. Wolf for some input on the County level to alleviate the problem in as much as the roads involved are County roads and Councilman Metz agreed that he would again attempt to renegotiate an easement with the Schiffler family to drain off the area in question which would effect a permanent solution to the problem.

Mr. Edward Skrapski, 28 Katherine Street, Lancaster, New York asked the Highway Superintendent if he could clean the sewer in front of his home.

The Highway Superintendent said that he would.

Mr. Anthony Vonna, 307 Green Street, Buffalo, New York, asked when the Town Board would render their decision on the Morehouse Rezone.

The Supervisor informed Mr. Vonna that their decision should be forthcoming at the meeting of January 5, 1976.

Mr. Arthur Varga, 1 Robert Drive, Lancaster, New York, speaking as a minority member of the Planning Board, urged the Board to deny the Morehouse Rezone.

COMMUNICATIONS:

434.	Town Clerk to Town Board - Resume of actions taken in response to resolutions and directives of 11/17/75.	R & F
435.	County Dept. of Public Works to Town Clerk - Notification - Requirements of Paragraph 13 must be met if you intend to perform work under Safer Roads and Pavement Marking Demonstration Programs.	R&F
436.	Wendel Engineers to Town Board - Proposal pending by State Dept. of Environmental Conservation to certify Sewage Collection Systems.	R&F
437.	Supervisor to Congressman Kemp - Transmittal - Public Interest groups statement on dangers to citizens caused by natural gas shutoffs.	RεF
438.	Recreation Commission Chairman to Town Board -	Recreation Committee
	Request authorization for Recreation Director and two other people from Recreation Dept. to attend Annual H.P.E.R. Conference January 22-25 at Concord Hotel, Kiamesha Lake, NY.	
439.	Erie & Niagara Counties Regional Planning Board to Supervisor - Re: Solicitation of Local Comments on Project RPB-HEW-HSA-1, Proposed Western New York Health Systems Agency.	Chairman, Youth Bureau Ambulance Corps R & F
440.	Town Clerk to Town Board - Request approval of 1976 Excavating Permits: Pine Hill Concrete Mix Corp., Lancaster Stone Products Corp., and Houdaille Construction Materials, Inc.	R & F
441.	Recreation Commission Chairman to Town Board - Request approval of \$7,000 for planning of multi-purpose Recreation Site in Village of Lancaster.	Recreation Committee
442.	Chief Ott to Town Board - Request purchase of three new 1976 police vehicles.	Police Committee
443.	Town Clerk to Town Board - Request approval - Lancaster Sanitary Land Fill, Inc Permit No. 1.	R & F
444.	Town Clerk to Town Board - Request approval - Lancaster Sanitary Land Fill, Inc Permit No. 2.	R ε F
445.	Dept. of Environmental Quality to Supervisor - Re: Public Meeting to discuss Scajaquada Creek CleanUp - 8:00 p.m. December 18, 1975, Cheektowaga Town Hall.	Plan. Brd. Sec'y. Env. Cons. Comm. Chair. R & F
446.	Town Attorney to Town Board - Re: Sales of water mains on William Street, Schwartz Road, and Broadway to Water Authority.	Water Committee

Supervisor Weimer requested a suspension of the necessary rule for immediate consideration of the following communication - SUSPENSIO

447. Jerry F. Kline to Supervisor Elect Keysa - Notification of Drainage problem.

Councilman Metz Legislator Wolf

ADJOURNMENT:

ON MOTION OF SUPERVISOR WEIMER, AND SECONDED BY THE ENTIRE TOWN BOARD AND CARRIED, the meeting was adjourned at 9:15 p.m. out of respect to:

BARNEY GAJEWSKI

Signed

Robert P. Thill, Town Clerk